

**THIRD DAY**

(Monday, May 31, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	Woodruff
Oneal	

The following Senators were absent and excused:

Beck	Davis
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A quorum was announced present.

The invocation was offered by Assistant Sergeant-at-Arms Joe H. Smith.

Reading of the Journal of the proceedings of last Friday, May 28, 1937, was dispensed with, on motion of Senator Aikin.

**Leaves of Absence**

Senator Beck was granted leave of absence for today on account of important business, on motion of Senator Van Zandt.

Senator Davis was granted leave of absence for today, on account of important business, on motion of Senator Nelson.

**Adjournment**

Senator Holbrook moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—15

Brownlee	Rawlings
Collie	Roberts
Holbrook	Shivers
Moore	Small
Pace	Spears

Stone
Sulak
Van Zandt

Weinert
Winfield

Nays—14

Aikin	Neal
Burns	Nelson
Cotten	Newton
Head	Oneal
Hill	Redditt
Isbell	Westerfeld
Lemens	Woodruff

Absent—Excused

Beck	Davis
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The Senate, accordingly, at 10:10 o'clock a. m., adjourned until 10:00 o'clock a. m. tomorrow.

**FOURTH DAY**

(Tuesday, June 1, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Head	Shivers
Hill	Small
Holbrook	Stone
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

The following Senators were absent and excused:

Davis	Sulak
Spears	

A quorum was announced present.

The invocation was offered by Assistant Sergeant-at-Arms Joe H. Smith.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Holbrook.

**Leaves of Absence**

Senators Davis, Spears and Sulak were granted leave of absence for

today on account of important business, on motion of Senator Woodruff.

#### Report of Standing Committee

Senator Stone submitted the following report of the Committee on Criminal Jurisprudence:

Committee Room,

Austin, Texas, May 31, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 1, A bill to be entitled "An Act repealing Chapter 10 of the laws of the Forty-third Legislature, First Called Session, being House Bill No. 12, pages 32-41 of the General and Special Laws of the Forty-third Legislature, First Called Session, and re-enacting Articles 645 and 650 of the Penal Code of the State of Texas, to provide a penalty for its violation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

#### Senate Concurrent Resolution No. 2

Senator Burns offered the following resolution:

Whereas, Under "Act of May 23, 1908 (Stat. 260); Sec. 500, Title 16, U. S. C." quoted below:

"That hereafter twenty-five per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and eight, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated to be expended as the State or territorial Legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: Provided, That when any forest reserve is in more than one State or Territory or county, the distributive share of each from the proceeds of said reserve shall be proportional to its area therein."

The State Treasury Department has received a draft for \$362.07; and,

Whereas, The State Treasurer is unauthorized to receive and prorate funds received from the sources named above; and

Whereas, A number of East Texas counties, namely, Angelina, Jasper, San Augustine, Houston, Trinity, Shelby, Montgomery, San Jacinto, and Walker, are entitled to a prorata part of this money; now, therefore, be it

Resolved by the Senate of the State of Texas, and the House of Representatives concurring, That the State Treasurer is hereby authorized to accept and apportion the money received from the above named source and any that may hereafter be received from the same or similar units designated under the above quoted Federal Act, and make proper disposition of the funds so received to the counties entitled to participate in same.

The resolution was read.

On motion of Senator Burns and by unanimous consent, the resolution was considered at this time and was adopted.

#### Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, June 1, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 1, Inviting the National Tax Association to hold its 1938 meeting in Texas.

H. C. R. No. 2, Relative to the payment of certain traveling expenses of the State Commissioner of Agriculture and the State Entomologist.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Concurrent Resolution No. 1

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 1, Inviting the National Tax Association to hold its 1938 annual convention in Texas.

The resolution was read.

On motion of Senator Oneal and by unanimous consent, the resolution was considered at this time and was adopted.

#### House Concurrent Resolution No. 2

The President laid before the Senate the following resolution, received from the House today:

H. C. R. No. 2, Relative to paying traveling expenses of Commissioner of Agriculture and State Entomologist to make trip to Washington, D. C.

The resolution was read and was referred by the President to the Committee on Finance.

#### Recess

Senator Pace moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Hill moved that the Senate recess to 2:00 o'clock p. m. today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—14

Brownlee	Shivers
Cotten	Small
Holbrook	Stone
Moore	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Roberts	Winfield

#### Nays—14

Aikin	Lemens
Beck	Neal
Burns	Nelson
Collie	Newton
Head	Oneal
Hill	Redditt
Isbell	Woodruff

#### Absent—Excused

Davis	Sulak
Spears	

Question next recurring on the motion to recess, yeas and nays were demanded.

The roll was called on the motion and the vote announced, yeas 14, nays 14.

The President voted yea, and the motion prevailed by the following vote:

#### Yeas—15

Mr. President	Lemens
Aikin	Neal
Beck	Nelson
Burns	Newton
Cotten	Oneal
Head	Redditt
Hill	Woodruff
Isbell	

#### Nays—14

Brownlee	Shivers
Collie	Small
Holbrook	Stone
Moore	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Roberts	Winfield

#### Absent—Excused

Davis	Sulak
Spears	

The Senate, accordingly, at 10:20 o'clock a. m., took recess to 2:00 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

On motion of Senator Rawlings, the Senate agreed to stand at ease subject to the call of the President.

The President called the Senate to order at 2:05 o'clock p. m.

#### Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following resolution:

H. C. R. No. 1, Inviting the National Tax Association to hold its 1938 convention in Texas.

#### Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, June 1, 1937.  
Hon. Walter F. Woodul, President of  
the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bill and  
resolution:

H. B. No. 6, A bill to be entitled  
"An Act repealing Chapter 10, of the  
laws of the Forty-third Legislature,  
First Called Session, being House  
Bill No. 12, pages 32-41 of the Gen-  
eral and Special Laws of the Forty-  
third Legislature, First Called Ses-  
sion, and re-enacting Articles 645  
and 650 of the Penal Code of the  
State of Texas, to provide a penalty  
for its violation, and declaring an  
emergency."

(With engrossed rider.)

H. C. R. No. 4, Granting the  
House permission to adjourn from  
Tuesday, June 1, to Monday, June 7,  
1937.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

House Concurrent Resolution No. 4

The President laid before the Sen-  
ate the following resolution, received  
from the House today:

H. C. R. No. 4, Authorizing the  
House of Representatives to adjourn  
today until 10:00 o'clock a. m. next  
Monday, June 7, 1937.

The resolution was read.

Senator Burns moved that the Sen-  
ate rule requiring concurrent resolu-  
tions to be referred to a committee  
be suspended and that the resolu-  
tion be considered and acted on at  
this time.

Yeas and nays were demanded, and  
the motion prevailed by the follow-  
ing vote:

Yeas—22

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Roberts
Collie	Shivers
Head	Small
Holbrook	Stone
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Newton	Winfield

Nays—7

Cotten	Nelson
Davis	Redditt
Hill	Woodruff
Neal	

Absent—Excused

Spears Sulak

Senator Rawlings offered the fol-  
lowing amendment to the resolution:

Amend H. C. R. No. 4 by including  
the word "and Senate" after the  
word "House" in the resolving  
clause.

Senator Burns moved to table the  
amendment.

Yeas and nays were demanded,  
and the motion to table prevailed by  
the following vote:

Yeas—16

Aikin	Isbell
Beck	Lemens
Burns	Neal
Collie	Nelson
Cotten	Newton
Davis	Oneal
Head	Redditt
Hill	Woodruff

Nays—13

Brownlee	Small
Holbrook	Stone
Moore	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Roberts	Winfield
Shivers	

Absent—Excused

Spears Sulak

The resolution was adopted.

House Bill No. 6 on First Reading

H. B. No. 6, received from the  
House today, was laid before the  
Senate, read first time and referred  
to the Committee on Criminal Jur-  
isprudence.

Recess

Senator Nelson moved that the  
Senate recess until 10:00 o'clock a.  
m. next Thursday, June 3, 1937.

Senator Rawlings moved that the  
Senate adjourn until 10:00 o'clock  
a. m. next Thursday, June 3, 1937.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

**Yeas—12**

Brownlee	Shivers
Holbrook	Small
Moore	Stone
Pace	Weinert
Rawlings	Westerfeld
Roberts	Winfield

**Nays—17**

Aikin	Lemens
Beck	Neal
Burns	Nelson
Collie	Newton
Cotten	Oneal
Davis	Redditt
Head	Van Zandt
Hill	Woodruff
Isbell	

**Absent—Excused**

Spears	Sulak
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Question next recurring on the motion to recess, yeas and nays were demanded.

The motion prevailed by the following vote:

**Yeas—16**

Aikin	Lemens
Beck	Neal
Burns	Nelson
Cotten	Newton
Davis	Oneal
Head	Redditt
Hill	Van Zandt
Isbell	Woodruff

**Nays—13**

Brownlee	Shivers
Collie	Small
Holbrook	Stone
Moore	Weinert
Pace	Westerfeld
Rawlings	Winfield
Roberts	

**Absent—Excused**

Spears	Sulak
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The Senate, accordingly, at 2:25 o'clock p. m., took recess until 10:00 o'clock a. m. Thursday, June 3, 1937.

**APPENDIX**

**Report of Standing Committee**

Committee Room,  
Austin, Texas, May 27, 1937.  
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 1 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

**FOURTH DAY**

(Continued)

(Thursday, June 3, 1937)

The Senate met at 10 o'clock a. m. and was called to order by President Woodul.

**Message From the Governor**

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas, June 3, 1937.

To the Senate of the Forty-fifth Legislature:

A number of members have asked me whether the subject matter of outlawing dog racing and strengthening the bookie statutes would be submitted to this Legislature.

This is to officially advise you that immediately after the passage of a bill outlawing race track betting, I will submit the matter of outlawing betting at dog races, tightening and strengthening of the bookie laws and other forms of gambling as well as the disposition of jacks and stallions. These latter subjects, however, have not been submitted and are not now submitted, but will be when the subject heretofore submitted has been disposed of. The purpose of this message is to officially record this declaration of intention for the information and assurance of all members of the Senate.

Respectfully,

JAMES V. ALLRED,  
Governor of Texas.

**Resolution Signed**

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled resolution:

H. C. R. No. 4, Granting the